



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 6768
Gary K. Michelson	)	
Serial No.: 10/085,406	)	Group Art Unit: 3732
Filed: March 1, 2002	)	Examiner: M. Priddy
For: ARCUATE DYNAMIC LORDOTIC	)	
GUARD WITH MOVABLE	)	
EXTENSIONS FOR CREATING AN	)	
IMPLANTATION SPACE	)	
POSTERIORLY IN THE	)	
LUMBAR SPINE (as amended)	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: November 4, 2004

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

Substitute for FORM PTO-1449	Attorney Docket Number	Customer No.	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>	Applicant Gary Karlin Michelson	Application Number	
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>	Filing Date	Group Art Unit	Examiner

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,486,505	12/1969	Morrison			
	4,545,374	10/1985	Jacobson			
	5,015,255	5/1991	Kuslich			
	5,431,658	7/1995	Moskovich			
	5,571,109	11/1996	Bertagnoli			
	6,520,967	2/2003	Cauthen			
	2003/0023209	1/2003	Gruskin et al.			
	2003/0229401	12/2003	Mansouri et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.